



REC'D

JUN 11 2010

June 6, 2010

Mr. Jon Knodel
USEPA Region VII
Mail Code: AWMD/APCO
901 N 5th Street
Kansas City, KS 66101

Re: Westar Energy Consent Decree (Civ. Action No. 09-CV-2059)
Jeffrey Energy Center Units 1,2 and 3 CAM Testing

Jon
Dear Mr. Knodel:

On March 26, 2010, Westar Energy, Inc. (Westar) entered into a Consent Decree with the United States. Among other requirements for Jeffrey Energy Center (JEC) Units 1, 2 and 3, the Consent Decree includes the specific requirements listed below.

Paragraph 70. No later than ninety (90) days after entry of this Consent Decree, Westar shall commence continuous operation of FGDs at all three JEC Units so as to achieve and thereafter maintain, a 30-Day Rolling Average Unit Removal Efficiency for SO₂ of at least ninety-seven percent (97%) or a 30-Day Rolling Average Unit Emission Rate for SO₂ of no greater than 0.070 lb/mmBTU.

Paragraph 71. No later than ninety (90) days after entry of this Consent Decree and continuously thereafter, Westar shall operate each FGD covered under this Consent Decree at all times that the Unit it serves is in operation, consistent with the technological limitations, manufacturers' specifications, and good engineering and maintenance for the FGD for minimizing emissions to the extent practicable.

Paragraph 82. Beginning thirty (30) days after entry of this Consent Decree, and continuing thereafter, Westar shall operate each ESP and FGD system on each JEC Unit to maximize PM emission reductions at all times when the Unit is in operation. Consistent with the technological limitations, manufacturers' specifications and good engineering and maintenance practices for each control device, Westar shall: (a) energize and maintain power levels to each section of the ESPs; (b) operate an automatic control system on each ESP to assure that the

plate-cleaning and discharge-electrode-cleaning systems and associated performance parameters, including cycle time, cycle frequency, rapper-vibrator intensity, and number of strikes per cleaning event, maximize the overall PM collection efficiency; and (c) inspect and repair any failed ESP sections, openings in control equipment casings, ductwork and expansion joints to minimize air leakage during the next planned Unit outage or unplanned outage of sufficient length.

Paragraph 84. No later than thirty (30) days from the date of entry of this Consent Decree, Westar shall continuously operate the ESPs and FGD systems at each JEC Unit so that each Unit achieves and maintains a PM Emission Rate of no greater than 0.030 lb/mmBTU as demonstrated by the stack testing required by Paragraph 85.

In order to provide ongoing reasonable assurance of compliance with the Consent Decree particulate matter (PM) emission limitation, Westar needs to enhance the existing Compliance Assurance Monitoring (CAM) Plans for JEC Units 1, 2 and 3. As you are aware, prior to entering into the Consent Decree, Westar was already required to provide ongoing reasonable assurance of compliance with the New Source Performance Standard (NSPS) Subpart D PM emission limit of 0.10 lb/mmBTU and the State of Kansas PM emission limit of 0.12 lb/mmBtu. In order to provide ongoing reasonable assurance of compliance, Westar must now refine the existing CAM Plan for JEC Units 1, 2 and 3 in order to ensure compliance with the new, 0.030 lb/mmBTU PM emission limit.

Westar is tentatively planning to conduct CAM Plan testing on JEC Units 1, 2 and 3 in late June 2010 (i.e., June 21 – 29, 2010). A CAM Plan Test Protocol has been submitted to USEPA Region 7 and Kansas Department of Health and Environment under a separate cover. As you are aware, during the CAM Plan test program, it will be necessary for Westar to “de-tune” both the ESP and the FGD system for each JEC Unit. Additionally, during the “de-tuned” ESP and FGD system test conditions, Westar may exceed the SO₂ and/or PM emission limits specified in the Consent Decree. Also at certain times during this testing period, Westar will not be energizing each section of the ESP and will not be operating each ESP and FGD system in order to maximize PM and SO₂ emission reductions

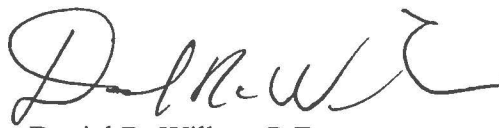
For these reasons, Westar is requesting that USEPA Region VII waive the Consent Decree requirements specified in Paragraphs 70, 71, 82 and 84 (and associated Stipulated Penalties) that may be realized as a result of the CAM Plan test program for JEC Units 1, 2 and 3. The extent and duration of the ESP and FGD system “de-tuning” as well as any exceedence(s) will be limited to no more time than is absolutely necessary to fulfill the

requirements of developing a new enhanced CAM Plan to demonstrate ongoing reasonable assurance of compliance with the Consent Decree PM emission limitation.

Should you have any question, please do not hesitate to contact me at 787-575-1614 or e-mail me at Dan.R.Wilkus@westarenergy.com.

Sincerely,

WESTAR ENERGY, INC.

A handwritten signature in dark ink, appearing to read 'Dan Wilkus', with a stylized flourish at the end.

Daniel R. Wilkus, P.E.
Director, Air Programs

cc: Gerald McIntyre, KDHE
Mark Smith, USEPA Region 7
R. Berry, RMB Consulting